

REMARKS

Claims 1-40 are pending in the present application with claims 1, 12, 17, 21, 28, and 37 being the independent claims. Claims 1, 12, 13, 17, 18, 21, 28, and 37 have been amended. No new matter has been added.

In the office action issued March 12, 2009, claims 1-40 are rejected under 35 U.S.C. §103(a). Applicants respectfully request reconsideration and withdrawal of the final rejection of the claims, consistent with the following remarks.

Examiner Interview

Applicants thanks Examiner Tiv for conducting an interview with applicants' undersigned representative on June 10, 2009. The examiner and applicants' representative discussed proposed claim amendments and the application of the cited references. Applicants present herein a summary of the arguments and traversals presented in the interview, as well as claim amendments that are believed to overcome the cited references.

Claim Rejections under 35 U.S.C. §103

Claim 1 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over a CNN.com webpage dated January 29, 2003 (hereinafter "CNN") in view of U.S. Patent Application Publication No. 2004/0087326 issued to Dunko *et al.* (hereinafter "Dunko"), in further view of U.S. Patent Application Publication No. 2004/0039781 issued to LaVallee *et al.* (hereinafter "LaVallee"), in further view of U.S. Patent No. 7,277,733 issued to Ko *et al.* (hereinafter "Ko"). This rejection is respectfully traversed.

Claim 1 recites "receiving user input information **comprising a recipient telephone number** submitted by the user via the user input form; determining whether the recipient is a subscriber to a service associated with the content sharing system **based on the recipient telephone number.**" Applicants find support for this amendment throughout the specification, and particularly at paragraphs [0026], [0046], [0052], [0059], [0061], and figures 3, 4, 9, 11 and 12. Applicants respectfully assert that the cited references fail to disclose this element.

The office action asserts that LaVallee at paragraph [0035] discloses determining that the recipient is one of a subscriber to a service associated with the content sharing system and a subscriber to a second telecommunications system. The cited section of LaVallee merely describe authenticating a user of LaVallee's system through the use of user names and passwords and public and private key encryption. As will be appreciated, this is not the same as determining whether the recipient is a subscriber to a service associated with the content sharing system **based on the recipient telephone number.**

Claim 1 further recites "if the recipient is the subscriber to the service associated with the content sharing system, generating the content share message in a first protocol, and if the recipient is not the subscriber to the service associated with the content sharing system, generating the content share message in a second protocol." Applicants find support for this amendment throughout the specification, and particularly at paragraphs [0026], [0046], [0048], [0049], [0057], [0058], and figures 3, 4, and 9.

The office action appears to assert on page 5 that because LaVallee discloses sending queued messages to the client and because Ko teaches sending a message using UDP, it would have been obvious to modify the teachings of the references to include sending a message with a first protocol in order to receive information in a certain protocol. Applicants respectfully disagree. The cited references fail to disclose or suggest generating the content share message in a first protocol if the recipient is the subscriber to the service associated with the content sharing system, and generating the content share message in a second protocol if the recipient is not the subscriber to the service associated with the content sharing system, as claimed in claim 1.

As admitted in the office action, CNN and Dunko fail to cure these deficiencies. Because CNN, Dunko, LaVallee, and Ko fail to disclose or suggest each and every element of claim 1 and the configuration of those elements, CNN, Dunko, LaVallee, and Ko cannot be said to disclose or suggest the subject matter of claim 1. For similar reasons, CNN, Dunko, LaVallee, and Ko cannot be said to disclose or suggest the subject matter of independent claims 12, 17, 21, 28, and 37. Accordingly, applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 12, 17, 21, 28, and 37 under 35 U.S.C. §103(a).

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Claim 13 recites means for “receiving a message indicating the status of the request sent to the content sharing system and a return address that links directly to the content.” The office action asserts that CNN and Dunko disclose receiving a message indicating the status of the request sent to the content sharing system. Neither of these cited references discloses a return address that links directly to the content. LaVallee, and Ko fail to cure this deficiency of CNN and Dunko. Accordingly, CNN, Dunko, LaVallee, and Ko cannot be said to disclose or suggest the subject matter of claim 13. Applicants respectfully request reconsideration and withdrawal of the rejection of claim 13 under 35 U.S.C. §103(a).

Applicants acknowledge that the office action establishes additional grounds for rejection of the remaining claims, all of which are dependent upon claims 1, 12, 17, 21, 28, and 37, either directly or indirectly. However, in view of the amendments and traversals set forth with respect to the independent claims, applicants believe that all such dependent claims are in condition for allowance, rendering the rejection of those claims moot. Moreover, applicants submit that the remaining claims recite features that provide a separate basis for patentability. Applicants reserve the right to challenge the rejection of any of those dependent claims in any future response that may be forthcoming.

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CONCLUSION

In view of the foregoing, applicants respectfully submit that this application, including claims 1-40, is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Should the examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the examiner is encouraged to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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